



Attorney's Docket No. 3578/201902 (5718-103)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Bidney, et al. Confirmation No.: 5068  
Appl. No.: 09/714,767 Group Art Unit: 1638  
Filed: 11/16/00 Examiner: R. Kallis  
For: SUNFLOWER RHOGAP, LOX, ADH AND SCIP-1 POLYNUCLEOTIDES  
AND METHODS OF USE

**DECLARATION UNDER 37 C.F.R. §1.802**

U.S. Patent and Trademark Office  
Box Sequence  
P.O. Box 2327  
Arlington, VA 22202

**RECEIVED**  
JUL 31 2002  
TECH CENTER 1600/2900

Sir:

The undersigned, Kelly J. Williamson, declares and states,

1. That she has full and express authority to represent Pioneer Hi-Bred International, Inc. and CuraGen Corporation, Assignee of Application No. 09/714,767, by assignment recorded in the United States Patent and Trademark Office on March 26, 2001 at Reel 011962, Frame 0563 (Pioneer Hi-Bred International, Inc.) and on February 26, 2002 at Reel 012663, Frame 0311 (CuraGen Corporation).
2. That she has read and understands the above-captioned U.S. Patent Application Number 09/714,767, filed 11/16/00, for "SUNFLOWER RHOGAP, LOX, ADH AND SCIP-1 POLYNUCLEOTIDES AND METHODS OF USE".
3. That the Assignee hereby provides assurance of the permanent availability of the following organisms deposited at The American Type Culture Collection, 10801 University Drive, Manassas, VA 20110-2209, USA:

<u>Strain</u>	<u>ATCC Accession No.</u>	<u>Date of Deposit</u>
E. coli	<u>PTA-287</u>	<u>June 30, 1999</u>

4. That the Assignee hereby provides assurance that the material deposited in paragraph 3, above, is, in each instance, the same biological material specifically identified in the above-captioned patent application, as filed.

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5. That the Assignee hereby provides assurance that it will:
- a. During the pendency of the patent application, allow access to the deposited strain listed in paragraph 3, above, to those persons properly designated by the Commissioner of Patents and Trademarks;
  - b. Replace the deposited strain should it die or be destroyed:
    - (1) During the enforceable life of any patent issued out of the above-identified patent application,
    - (2) For five years after the last request for a sample of the deposited strain, or
    - (3) For thirty years;
  - c. Upon issuance of a patent, irrevocably remove all restrictions of access to the strain for the duration of the deposit; and
  - d. Pay the maintenance charges for the duration of the deposit.
6. That all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true; and further acknowledges that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

For: Pioneer Hi-Bred International, Inc. and CuraGen Corporation

By: Kelly J. Williamson  
Kelly J. Williamson

Date: 7/23/02

Register No. 47,179

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**CUSTOMER NO. 29122**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

<p><b>"Express Mail" Mailing Label Number</b> Date of Deposit: July 23, 2002</p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner for Patents, Washington, DC 20231.</p> <hr/>	<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box Sequence, P.O. Box 2327, Arlington, VA 22202, on July 23, 2002.</p> <p><i>Patricia A. Hickey</i></p>
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